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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,131	12/15/1998	ERIC C. ANDERSON	1104-069	7384
74548 7590 03/16/2011 FlashPoint Technology and Withrow & Terranova 100 Regency Forest Drive Suite 160 Cary, NC 27518				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/213,131

Applicant(s)

ANDERSON, ERIC C.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 11, 13, 14, 16, 18, 22, 28 and 29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 8, 11, 13, 14, 16, 18, 22, 28 and 29 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 12/30/2010 have been fully considered but they are not persuasive.

Examiner's response:

2. The new claims recite retrieving a plurality of thumbnails, rotating, cropping and displaying. However Parulski teaches that an image is stored up as a low or base resolution image bitfile and a plurality of high resolution residual image files associated with respectively increasing degrees of image resolution. By iteratively combining the higher resolution residual image file data with the base resolution bit map image, successively increased resolution images may be recovered from the base resolution images for application to a reproduction device such as a color monitor display (col. 4 lines 60- col. 5 line 4). Therefore any low resolution image (compared to the original image) is constructed and displayed. A thumbnail image as recited in the claims is a low resolution of an original image and is therefore entirely within one skilled in the art based on the teachings of Parulski in col. 4 line 60-col. 5 line 4 to be reproduced on the display.

Parulski further teaches rotating each thumbnail of the plurality of thumbnails into an upright position (e.g. column 2, lines 40-45; column 3, lines 12-19; column 6, line 62 – column 7, line 2), cropping each thumbnail of the plurality of thumbnails to a uniform size (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9) and displaying each thumbnail of the plurality of thumbnails having the uniform size such that the plurality of thumbnails has a uniform appearance while the digital camera is in a review mode (e.g., Figs. 5-9). The images also have

“uniform size having a uniform appearance”. In figure 9, the border of the images would be variable which means that the images could have a square or rectangular appearance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 11, 13, 14, 16, 18, 22, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,270,831 to Parulski et al.) in view of Ochi et al. (US Patent # 5,764,285).

[Claim 28]

Parulski teaches a system comprising:

a display (figure 3, display 72); memory (50); and a processor (46) associated with the memory and configured to: retrieve a plurality of thumbnails corresponding to a plurality of images captured by a scanner (col. 6 line 29-col. 7 line 38, col. 4 line 60-col. 5 line 20 teach that a low resolution image is stored and displayed. A thumbnail image is a low resolution image, figures 5-9 show a plurality of images)

rotate each thumbnail of the plurality of thumbnails into an upright position;
(e.g. column 2, lines 40-45; column 3, lines 12-19; column 6, line 62 – column 7, line 2);

crop each thumbnail of the plurality of thumbnails to a uniform size (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);

and display each thumbnail of the plurality of thumbnails having the uniform size such that the plurality of thumbnails has a uniform appearance in a review mode (e.g., Figs. 5-9);

wherein the image capture device is a scanner or any other digitized image processing system (col. 4 lines 30-31 teach that the invention may be incorporated in any digitized image processing system, therefore any analogous device e.g. a digital camera may be used to implement the invention).

Parulski teaches that the invention is implemented in a digital scanner and also may be implemented in any digitized image processing system like a camera but fails to teach if the image sensor and playback device are integrated in a single device.

However Ochi teaches a digital camera 1 which is a portable imaging device (figure 1, also see A/D converter 12 and 122) comprising a line sensor 11 and an area sensor 12 and a view finder 40 (col. 2 line 65-col. 3 line 5) that includes a LCD (col. 3 lines 48-51) for viewing images. Ochi further teaches that the camera includes a CPU 101 for controlling an overall operation of the camera 1 (col. 3 lines 66-col. 4 line 1) and an image processing unit 130 that reads the image data from the line scanner and area scanner and performs image processing on the image data (col. 4 lines 36-46).

Therefore taking the combined teachings of Parulski and Ochi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an electronic camera that has a line sensor or an area sensor used for taking images and a display device all integrated into one device as taught in Ochi to be incorporated into the system of Parulski so that the images are taken with any of the image sensors i.e. line sensor or an area sensor since Parulski teaches that their invention may be implemented in any digitized processing system in

order to have a versatile system that is compact and portable and could be carried and used anywhere.

[Claim 29]

This is a method claim corresponding to apparatus claim 28. Therefore it has been analyzed and rejected based upon apparatus claim 28.

[Claim 8]

Parulski discloses wherein cropping each thumbnail of the plurality of thumbnails further comprises

resizing each thumbnail of the plurality of thumbnails (e.g., column 8, lines 29-63).

[Claim 11]

In regards to claim 11, Ochi discloses a LCD monitor (col. 3 lines 48-51).

[Claim 13]

In regards to claim 13, note column 4, line 60 – column 5, line 4 of Parulski wherein updating a thumbnail of the plurality of thumbnails comprise with a higher resolution image.

[Claim 14]

In regards to claim 14 see Examiners notes on the rejections above, wherein the same display steps for cropping the image would be applied to the higher resolution images.

[Claim 16]

Parulski discloses wherein the decompressing comprises decompress and resize each thumbnail of the plurality of thumbnails (column 8, lines 29-63, column 4, line 60 – column 5, line 4).

[Claim 18]

In regards to claim 18, Ochi discloses a LCD monitor (col. 3 lines 48-51).

[Claim 22]

In regards to claim 22 see Examiners notes on the rejections above, wherein the same display steps for cropping the image would be applied to the higher resolution images.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622